





size, as if degenerated by domestication or ill-treatment, but we have invariably observed the dogs of the islands of the W. stern Pacific to be precisely the same prick-eared, sharp-muzzled, and brush tailed animal as the native dog of Australia. Like domestic animals which have run wild, the dingo varies much in colour, but this is most frequently reddish-yellow, although brindled, and even black, and other varieties occur. It is unknown in Tasmania, where it does so destructive to sheep as to be unawares from having taken to the bush. No kind of food comes amiss to the dingo: we have seen him try almost everything, the vegetable which came within reach, from the finest water-cress in the garden at Port Essington to decaying turnips upon the beach. But it is by its overweening propensity for mutton that he is best known. The terror inspired by the presence of a native dog in the sheep fold at night, the rush and subsequent dispersion of the flock in spite of the efforts of the watchman and his dogs, the wholesale and indiscriminate disabling of such as he snaps at, apparently in the excess of wantonness, the returns of dead, mangled, and maimed, when the flock has been mated—ared so painfully known to every squatter, who finds in the use of strychnine only a temporary check to their ravages by thinning their number, that whatever reputation for sagacity is due to the dog, and with equal justice is claimed for the dingoes of America, cunning, an acutious thief does not exist, nor a more cowardly one. Unfettered by a fire he will steal food from the side of the solitary camper out while asleep, but no instance of their attacking man has come to our knowledge, although they sometimes hunt in small packs, and by combination might be very formidable. In the domestic state, at least during the first generation, the peculiar secretive and furtive habits of the wild animal are not lost. One which we saw on board H.M.S. Beagle, in 1842, apparently quite domesticated, could not be weaned from its secret habits, or the mode in which she "served out" her food to those whom she disliked by snapping at them a moment, and unawares. On one occasion she swam on shore from the vessel while the Tamar, Van Diemen's Land, and had killed a very valuable ram before she could be secured. The extraordinary tenacity of life of the dingo, and the mode in which he sometimes feigns death, and by so doing gets clear off for the time, are too well known to require illustration.

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## ELECTION FOR THE COUNTY OF BATHURST.

MEETINGS OF MR. MOORE'S FRIENDS.  
(From the Bathurst Free Press, June 1st.)

IS pursuance of an announcement which appeared in the *Free Press* of last Wednesday, a meeting of Mr. Moore's friends and supporters was held on Friday evening, at Rogers' Hotel, when there was a numerous and interesting assembly.

Mr. Macchattie having been called to the chair, Mr. Moore then came forward, and expressed his warm thanks to his friends and supporters for the very zealous manner in which they had exerted themselves to secure the life of the dingo, and the mode in which he sometimes feigns death, and by so doing gets clear off for the time, are too well known to require illustration.

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to himself, without preparation, to enter upon the discussion of so difficult a policy, and therefore in reply that he was not prepared. Mr. Dr. Connell, he simply stated that he was not prepared to discuss the subject, although he put upon foreign flour, but that if his theory were put in practice, then foreign flour, coming, as he would, under the head of articles that he could produce in the colony, would, of course, pay duty at the Custom-house. And he mentioned the reason why he should not drop the tax upon tea and sugar, and make the same revenue upon foreign tea being, as he had before observed, nearly as great a source of revenue, and would thereby supply him with money enough to carry out his views, and help him in his improvements, instead of sending the money to enrich the merchants of South America with the basis of free trade.

Mr. Samuel was here loudly called for, and responded to the call, and in doing so, said that he did not come forward so much to oppose Mr. Mort as he did to support Mr. Mort, and that he was, as to justify himself in opposing Mr. Mort, both personally and as to most intimate friends; he highly esteemed Mr. Mort, and believed that he was entitled to the respect of the public generally for his great acts of charity, both public and private. Mr. Samuel considered that his great ability and business habits will be a great credit to the colony in the Legislative Assembly, and it was with sincere regret that he was compelled, owing to his position in the colony, as a public man, to oppose him. This had been the case with Mr. Mort, and he thought the course that he had adopted with respect to Mr. Sutor, but also with reference to his views generally. It had been industriously circulated that he had acted in a very unbecoming manner as he had been one of the first to invite him to the field, and Mr. Samuel was not the case, and he would state to the meeting the facts as they really had occurred. At the first meeting, when Mr. High was a candidate, he (Mr. Samuel) was asked to support him, and he being then Mr. Sutor's candidate for the county of Wellington, he had not said suggested Mr. Mort to the gentlemen who waited upon him, and also had several interviews with him before Mr. Mort was in the field, and Mr. Samuel positively declined to do so. At the first instance, Mr. Mort positively declined to enter the field, and Mr. Samuel the colony in a year; he, however, after much persuasion, reluctantly consented to become a candidate, but not until it was too late, for Mr. Plunkett had already withdrawn. And there, Mr. Samuel was with Mr. Mort's candidate, and so Mr. Mort thought, for he told him in Sydney that he considered this a new matter entirely, and that he (Mr. Samuel) was not prepared to support him, and he (Mr. Samuel) knew that Mr. Plunkett would not sit, Mr. Samuel's brother was written to (Mr. Mort) being then in Tasmania, asking whether he would become a candidate; when he came from Tasmania, Mr. Mort, however, had not accepted his seat in the Upper House, positively declined to oppose him (Mr. Samuel) was then invited to oppose Mr. Sutor, but he also declined to do so, and he wrote them, in his letter to Mr. Cousins, which he wrote on the subject, that he could not oppose Mr. Sutor, he being a personal friend of his, and his political views being in accordance with his own. Four days afterwards, he wrote to Mr. Mort, and he (Mr. Samuel) stated his views, and he knew no principle on which he could oppose Mr. Sutor. Now he (Mr. Samuel) would like to know on what principle Mr. Mort now stood opposed to Mr. Sutor. The only excuse that he had given was that he had placed himself in the hands of his friends, and the result was that he was not free. But was it in the power of any number of friends to make wrong right? Or was Mr. Mort's opinion on what principle his friends had acted when that was the case at the present course.

Mr. Mort had said that he had never been out of the field, but did his letters not prove the contrary? Did they not state that he had accepted a place in the field, and that he was known in Bathurst, Mr. Brady had commenced a canvass on his (Mr. Samuel's) behalf. (Mr. Brady here said that he admitted it.) He would wish to know if Mr. Mort had been out of the field, and Mr. Mort here began to bring out of the field, as the hour was growing too late, there was no necessity for Mr. Samuel to go into his (Mr. Mort's) inconsistencies, arising out of the reasons which had led to his being out of the field, and he (Mr. Samuel) was saying, as he (Mr. Mort) had fully explained his position over and over again to the electors, and even if he put the reason on no other ground than simply that of having been out of the field after the time alluded to by Mr. Samuel, he (Mr. Mort) would not have been able to prevent him from altering his mind? If he had indeed, Mr. Sutor to come out by any promise not to oppose him, then a good reason might and would have been given, and he (Mr. Samuel) would not have promised—no such inducement had been given, and he (Mr. Samuel) could scarcely say that Mr. Sutor was in the field even yet, although he knew Mr. Sutor would sit if elected. It was well known, however, that Mr. Sutor was not in the field, and he (Mr. Samuel) explained himself upon the misapprehension which had led to his saying that, which gave Mr. Samuel the peg on which to hang his charge of inconsistency, but his, having been in the field, the inconsistency was his, he (Mr. Samuel) had said that Mr. Sutor was coming into the field at all, and he (Mr. Samuel) knew that it was only on the high ground of preserving his political consistency with the people of Bathurst, that he (Mr. Samuel) had placed himself in the field, and the battle on righteous grounds, it would not be his fault if he lost it.

Mr. Samuel then resumed his speech, and said that Mr. Mort had put a new feature on the case. He at first said that he was not prepared to discuss the position that he was, he placed the matters in his friends' hands, and it was with their advice that he appeared before them. He then gave another reason for his position, and he (Mr. Samuel) thought that he (Mr. Samuel) would not dwell on the point, but would say a few more important matters to prove Mr. Mort's inconsistency. Had it been confined to Mr. Sutor's case merely, he should not have been so much troubled, but he (Mr. Samuel) was troubled by the inconsistency of Mr. Mort's speech on the previous meeting had been reported correctly, he said that "railways might be dear at any price, and that "even if they were made a present to the colony, the expense of maintaining them would be a great deal more than would be conveyed by them. He himself had heard Mr. Mort, at the bar of the Legislative Council, argue directly to the contrary, when the question of the Parliamentary Railway was under consideration, and he (Mr. Samuel) had said before the Council, when it was proposed to take it from the hands of the company and place it in the hands of the Government. That gentleman then spoke of railways in quite contrary terms, and he (Mr. Samuel) said that he (Mr. Samuel) had seen seven per cent upon the capital invested, and on which they had already received 5 per cent. per annum from the Government, alleging that it would prove a most profitable undertaking. But the facts adduced by Mr. Samuel, and the evidence given by Mr. Mort, inasmuch as the present amount of £150,000 per annum which was paid for carriage in these districts would, by means of a railway, be quadrupled, which would be a great deal more than would be conveyed by them. Surely one half this sum would be sufficient to pay the working expenses, and the other half the interest of the amount of money required for its construction. But all the talk of railways and transways would be a great deal more than would be conveyed by them. The matter was purely executive, and their plans would be submitted for the consideration of the Legislative Assembly. He differed much with Mr. Mort with respect to the system of £5 debentures, which he (Mr. Samuel) thought was a very bad system, and the wrong classes than five pound notes. Then, again, Mr. Mort in his speech delivered the other evening, had said that he did not wish to disparage the late representation of the colony, and he (Mr. Samuel) thought afterwards said they had not been represented at all. Was not this inconsistency? And in support of this he said that they had done nothing to prevent the railway going to Goulburn instead of to Sydney, and he (Mr. Samuel) thought that the Government who, in the first instance, proposed to carry the railway to Goulburn, but a company, in which he (Mr. Mort) was a considerable shareholder. But their late representation of the colony, and the Western Districts, Mr. Hylroyd, in the last session of the Legislative Council, had proposed, and he seconded, the proposition that the sum of £600,000 should be advanced to the Government for carrying the railway from Parramatta to Penrith and Windsor. Then with reference to the squinting question, Mr. Mort, in the first part of his published address, said their holdings should not be taken from the Government, but he (Mr. Samuel) thought that the strictest justice—in other words, that the compact should be kept with them. With this he (Mr. S.) perfectly agreed, but in the last part of the same paragraph he said "that the country, they must be surrendered, and the source whence he must seek compensation, must be in the increased value of his flocks and herds;" and at his last meeting here, he had said that he (Mr. Samuel) thought that they should for he then said that their lands were required they were entitled to ample compensation. Mr. Mort had said that he would not personally canvass, but

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**Berliner** related, and for the receipt of which we are short time ago a gentleman resident on the Downs—A sheep was purchased by Mr. W. B. Berliner from the New England district by Mr. W. B. Berliner, forwarded to his station at Clifton on the Downshire. The sheep were there detained at the time of purchase, in their journey, subsequently attacked with catarrh, and upon the arrival of a flock of 1500 of them at Clifton, such was their condition that they were thought advisable to destroy them. This was accordingly done by John S. Swamp, on the Canning Downs. But shortly after the arrival of a flock, consisting of 7000, arrived at Clifton, and in consequence of a communication from Mr. Tooth's superintendent, neighbouring residents met at had been inspected by Mr. B. Russell, and with concurrence of the superintendent at Clifton—that the same disease should be also destroyed. This has since been effected by Messrs. J. Talgai and Douglas, of Pilton, Etton Vale, and Talgai—in inside fat only being preserved for boiling down. After all danger from this cause was considered as at an end, but the fear of infection returned on it becoming known that a further number (4000) of New England sheep had been driven on to the run at Clifton, and that they were infected with catarrh. Mr. Douglas, J. Talgai, pursued a course of treatment, and a certificate, instituted a legalized examination, and a notice was drawn up by Mr. B. Russell, setting forth the facts which were apparent, and we are given to understand that the Government have also found it necessary, and that they have since sent a commission, in 1900. Thus, by the pursuance of an injudicious procedure, it has been considered imperative to destroy 15,000 sheep, which at the roughest calculation may be valued at about £100,000, while it is better that thousands upon thousands should be slaughtered than that a disease should be permitted to gain ground which threatened wholesale desolation among the flocks of the country. It is a very prosperous district as the Darling Downs. While one who is so sympathetically excited on behalf of the individual who may be unfortunate enough to lose so much valuable property, states that even if the case happens to be proved, the conviction that such a course will be taken, is the wisest. It is far more preferable that one individual should lose 10,000 sheep in this way, than that the infection should be allowed to spread, and so lead to the destruction of millions of sheep of different persons, some of whom may be thereby ruined.

**NEW LINE OF ROAD TO WARWICK.**—Mr. F. E. Roberts, Surveyor of Roads in this district, has proceeded with a portion of the country to the southward of Cunningham Creek, and has now commenced work on the road towards the Downs in that direction. A much better line is believed to exist, and Mr. Frederick Bracker, Waroo, has undertaken to point it out to Mr. Roberts.

**THE BITEN BIT.**—One of the prisoners in Brisbane Gaol, acquainted with the craft which Sir Crispin consents to patronize, cunningly hid a £5 note in the upper corner of one of his half-wellingtons and doubtless plumed himself with the idea that he would get his fellow birds, who knew the secret of the hiding place, got up early on the morning he was to be released from confinement, ripped open the leather, and abutted the note into the hands of his admirables. But just as he was about to leave the prison, the warden's house, he was searched, and his ill-gotten gain was taken from him almost immediately after he became aware of what had happened. Nothing appears to escape the eagle eye of Mr. Warden. The man who had the sharp look on everything. Not long ago, a small hawk saw was thrown over the wall into the yard during the night, and would doubtless have been made use of if it had not been that he had his suspicions aroused, and searched the place.

**THE BLACKS AT PORT CURTIS AGAIN.**—The Ipswich paper (*North Australian*) says—Information received the other day, that the blacks had attacked the station of the Messrs. Hay in the Port Curtis district, on the 27th of last month. They carried off several men in carrying of a number of sheep, but had spared three civilised natives employed on the station. It appears that the savage marauders were discovered a day or two later, and were found hanging about the head of the creek, near the station. One of the black boys, who had been chased about two hours after dusk, but had effected his escape. On the following day the civilised natives were seen searching the blacks, and while they could not find the mark, they did not know where they arrived most opportunely at the station. They had not been there more than an hour before one of the boys came back to the hut, hardly able to stand from pain, and crying out "Dap!" He held out the palm of his hand, and with a dreadful gash on his side, inflicted by a tomahawk. About two hours after the arrival of this poor fellow, the two other boys came home, and then very badly speared in the back, the weapon having entered the middle of the chest, two inches from the middle of the back and six inches from the point protruding on the opposite side of the spine. Thus two black boys were killed, and the third, leaving no trace of protection for the station. All remained quiet for the night and the whole of the next day; but about three o'clock in the morning of the following day, the inmates of the hut were aroused by the terrific yells of the blacks, who had surrounded the place, and bent on mischief. No sooner was the door opened by the parties inside than two of the guns belonging to the civilised blacks rushed into the house for protection, but the blacks, who were armed with spears, and with a dozen paces of the spot. A carbine having been discharged, the blacks precipitately retreated; one of them, before he went away, throwing a nullah with white powder at the door of the hut, but which fortunately missed the mark. The party then went to the sheep yards and turned out one of the flocks, which they drove away; and although an attempt was made to drive them, it was unsuccessful, and they escaped without further trouble. The depredators were pursued for about six miles, to the edge of a scrub, where it was discovered that they had killed thirty sheep for breakfast, having partaken of the carcasses which had decayed, and were again tracked about three miles, until the police and pursuers came to a large scrub, which the secondaries were skirting. On observing the horsemen, the blacks abandoned the sheep, and rushed into the thick scrub, where they were followed by the police, and emerged for the purpose of showing fight, when the remainder of the sheep they had driven away were immediately recovered. The native police were on the alert, and it is to be hoped they will be able to check the blacks, who are doing much mischief in attacking the foregoing statement, the *Free Press* adds—"This may be true and it may be untrue, but the public should be cautious how they give credence to such reports. Mr. M. Mahony, who is a member of the out-riding," by Dame Runyar, when in reality he was wounded but slightly, and rapidly recovered. A party who arrived here very recently from that part of the country had heard nothing about it."

The Hon. Mr. Mahony has forwarded a copy of a letter forwarded to the honorable member for Stanley, from His Excellency the Governor-General:

Government House, May 16, 1896.  
Sir,—I am directed by the Governor-General to acknowledge the receipt of a memorial signed by certain inhabitants of Morvon Bay, and forwarded through you, relative to the state of the road between Morvon Bay and the Downs. The memorial contains four thousand pounds (£4000) may be placed upon the estimate for the present year, to complete the construction of that important road, and to secure the safety of the traffic. In reply, I am desired to assure you, and through you, the memorialists, that His Excellency will bring this matter under consideration. I am, Sir, very respectfully,  
I have the honor to be, Sir,  
Your most obedient servant,  
HENRY BOCKLEY, Esq., Private Secretary.

**THE NIGHTINGALE FUND CONCERT.**—"The Nightingale" is going to warble next Tuesday for the Nightingale Fund. The programme, it appears from the programme, will be on a scale of magnitude and of the highest interest. In addition to some of the beautiful things with which Jenny Lind has already delighted her audience, she will sing some of the most beautiful vocal pieces, both sacred and secular, in which she has not yet been heard. These are, Mendelssohn's hymn, "Hear my prayer," for a soprano voice, accompanied by piano and orchestra; and the "Nightingale" cantata, "The 130th Psalm," by Mr. Goldschmidt, in which she sings the principal part; and the finale to Weber's "Euryanthe." There is one uniform price of admission—a guinea; and the proceeds will amount to £1000. The concert will take place at the Exeter Hall. This is much, but not all. Jenny Lind is not content, as any one else would have been, with giving her personal exertions, which would have been sufficient to produce a rich result; she has also endeavored to produce nobility of spirit, in defiance of the whole expenses of the concert, estimated at several hundred pounds, so as to hand over the entire receipts to the fund.—*Sportsworld*, 8th March.

The Hon. Mr. Mahony has been made very religious thanks to the Concordat. The commander-in-chief has issued a general order directing that the army officers and men, must observe the facts of the church on Friday, and must abstain from drinking wine and meat on the day of the Holy Week, the army must eat no meat. It is even rumoured that officers are to be compelled to confess at least once in six weeks!

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## MELBOURNE

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It is actually required to carry on the business of the country, it will be the duty of every colonist to watch with jealous care those intrusions upon personal liberty to which all such bodies are prone. No doubt the Assembly is a very high and dignified concern, but there are other dignified concerns in the colony also. We are by no means inclined to see all things subject to the whims of our colonial Commons.

There must cease. Some other spot must be found where to repeat the experiment, or, if none exists, some substitute must be invented.

The difficulty which the British Government finds itself contending with, is, after all, one which it has forcibly imposed upon its colonies. It has been trying to do without transportation except to a limited degree. But it has compelled the colonies to do without it altogether.

In its parental capacity Great Britain should be rather anxious to shew to its numerous colonies a successful example of how to deal with criminals, than to confess its inability and hunt about for some unoccupied land to ease it of its burden.

If Great Britain is obliged practically to confess that it cannot do without transportation, and opens up accordingly some new convict establishment, it ought in simple justice to allow the colonies to make use of it if they please.

Or the difficulty in their case of managing their

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The following particulars with regard to this island are extracted from the notes of the expedition, which it will be seen that no place can be more favourably situated for the purpose of the proposed voyage.

"This *Diago*, or Great Chagos Island, extends from latitude 1° 15' to 1° 45' S., and from longitude 72° 30' to 73° 30' E. It is about four or five miles long, and the general breadth from three to four miles. It is in the form of a crescent, with the convex side to the eastward. This crescent is formed by a narrow strip of low, steep coral wall standing in the ocean, for the whole interior of the island is formed by a large lagoon, the bottom of the same lagoon and breadth as the island itself, as there is no part of the circumference of the island, except the narrow strip of the eastern side, is rather not more than one-tenth of a mile in width. The island, or, rather, contour of an island, is low, generally eight or ten feet above the level of the sea. Although the island does not appear to have pertained the wall in some parts, and imparted to the lagoon a more irregular form, yet the whole of the harbour is covered with tall cocoa trees, which make it turbid, and the boats are at sea.

"A narrow safe channel into the harbour is between West Island and a sand projecting from Middle Island, above half a mile long, and about 100 feet wide. The channel is about 100 feet wide, and West Island, which is safe to approach on the N.W. and N.E. sides, is not so high as the other islands. Although the water is shallow, there are no soundings until a ship is close to the entrance. The water is very deep, and the bottom is of coral, and is about 20, 30, and 7 fathoms.

"The island is low, and almost in the harbour, and excellent green turtle lie the shores on the outside of the island; the land crab, the

and Government have declared that it is not their intention to bring in any such Act. But the Government are not so scrupulous and so precise in their language as to say that they do not intend that some alteration may possibly be resorted to, and a return to transportation will represent the only available remedy. It is, of course, unnecessary to say that the colonies already represented by convicts cannot be again oppressed by them; but a hope is entertained that 'new colonies' to use the words of Lord CAMPBELL, may be found. The Duke of ARGYLE observed that we could not return to transportation unless it were to some 'uninhabited colony.' In whatever quarter the desiderated *refugium* may be discovered, transportation seems 'looming' before us as a menace.

There is nothing in this to alarm the sensitive of these colonies, unless it is the pretence of such an excessive transportation of convicts to Western Australia as will be sure to lead to the overflow of a large convicted population into the neighbouring colonies, and almost revive

**LAW.**

**SUPREME COURT.—SATURDAY.**

SITTING AS IN BANCO.

BEFORE THE Chief Justice, Mr. Justice Dickinson, and Mr. Justice Milford.

OLIVER V. RILSTON.

SIR ALFRED STIMPING, C.J., delivered the judgment of the Court in this case, as follows:—

This was an action of trover, tried before me at the Court-house, in which the circumstances were as follows. The plaintiff had purchased one of the pound-cakes for the defendant. The animal had been duly impounded for trespass; and there was no collusion or fraud of any kind shown to affect either the purchaser or the pound-keeper. The description of the horse, moreover, in the advertisement of sale, although not strictly accurate in point of fact, (the brand being partially obscured), was found by the Jury to have been substantially correct. The defendant, who was a horse-broker, was not altogether in accordance with the propri-

Tilcomb  
Robertson. April

The N.W. wind prevails here from April to November, but are generally strong only from May to September. The prevailing wind is the N.W. which time the current generally sets between W. and N.W. from March to May, and from March and April, the winds are often very variable and light; and from May to September, the winds are generally variable, but more unsettled and more equally than the former. In June, the wind is generally from the N.W. and produces a current to the south-westward.

There is a small bay on the north-west coast, about three miles from the island is now occupied by some Mauritian houses, who have here establishments for the manufacture of oil from the coconuts growing on the island. The land is fertile and produces much grain well sheltered, and the island free from hurricanes. It is situated about 100 miles from the coast of Madagascar, and is a small, easily constructed. (See the Admiralty Chart of this island here with).

NO. VII.  
STATE OF GREEN MOUNTAIN IN OCEAN REVERIES.

THE MOUNTAIN OF GREEN MOUNTAIN, which is the highest mountain in the world, is situated in the ocean, and is the most beautiful as the usual central point. They add, however, in that respect, their belief that a much higher speed might with facility be obtained.

It is understood that the passages of the more recently constructed steamers of ancient construction, have an average rate of speed of about 10 miles per hour. It has been reported that the committee that the Atro, on one voyage from Southampton to London, had a speed of 12 miles per hour. It is well known to be capable of equal speed. The Persia, also, a ship of 1000 tons, has a speed of 12 miles per hour. The Persia, also, a ship of 1000 tons, has a speed of 12 miles per hour. The Persia, also, a ship of 1000 tons, has a speed of 12 miles per hour.

A half century on her recent trial trip, she averaged also fourteen miles per hour. The Persia, also, a ship of 1000 tons, has a speed of 12 miles per hour. The Persia, also, a ship of 1000 tons, has a speed of 12 miles per hour. The Persia, also, a ship of 1000 tons, has a speed of 12 miles per hour.

parliamentary committee (Holt and Kingston, 1853, p. 10).

already beginning to feel the pressure of a criminal population, and is perplexed to know how to dispose of it. Since transportation has ceased, Great Britain has made an effort to reform the criminals she has been compelled to retain within her boundaries. But the effort has not yet been successful. The ticket-of-leave system is not popular when put into practice in the mother country. The people complain of it, and the Government admits its failure. Yet what is to be done? Offenders who must be kept perpetually in prison, or who must be let out, the latter after having profited from their necessities, the other after having done the criminal little good, and the country much harm. The majority of ticket-of-leave men in England, notwithstanding the reformatory discipline they have been subjected to, are found to return to their old haunts, join their old associates, and succumb to the same temptations. In this

authorise the sale. The defendant, being the owner of the horse and the time of the impounding,—replying to the main objection,—said that the animal was described,—treated the sale as a nullity, and took the animal accordingly out of the plaintiff's possession. And thereupon this action was brought, to test the legality of the sale.

As to the brand, the fact was simply this. The actual brand was an R. G. & E. But the last letter had been placed over an H; so that, at the time of the impounding, the animal, (being then very long), it was not legible. And the letter G had been lightly impressed, so that it was readily taken for a C. The consequence was, that the plaintiff, in the absence of the defendant, and before, after inspecting the animal, it having been produced for identification, said that such was substantially a correct description. I therefore instructed the jury to find in favour of the plaintiff, unless, however, they saw any sale by a poundkeeper, under the Impounding Act, 4 W. 4 No. 8,—upon an irregular advertisement, and without showing a Justice's warrant.

That Act (in s. 14) provides, that (where the owner is unknown) notice in a prescribed form, of the time when any impounded animal is to be sold, shall be in

Sargent, Henry.

No. VIII.

CALCULATION OF THE TIME REQUIRED FOR THE CONVEYANCE OF  
THE AUSTRALIAN MAILS BETWEEN DOVER AND MELBOURNE, AND  
A FUTURE CONVEYANCE BY THE AUSTRALIAN MAILS, OF THE  
AUSTRALIAN MAILS FROM DOVER TO THE ISLANDS OF AFRICA  
AND THE ISLAND OF RIO DE JANEIRO.

	Miles.	Speed.	Time.
	n.	p. m.	h. m.
Dover to Paris	9		
Paris to Marseilles	1		
Stoppage at Paris	2	799	1 10
Stoppage at Marseilles	2		
Marseilles to Malta	5	505	12 20
Stoppage at Malta	2	813	0 10
Malta to Alexandria	1	813	0 10
Alexandria to Cairo, by rail	3	307	0 10

Transportation is certainly a very convenient system—at least to the country which practises it. The difficulty of keeping a strict watch over criminals, and the trouble of reforming them, is got rid of at once. The country is freed from the disagreeable presence of those who from too great a proclivity to crime, or too severe a pressure of temptation, have transgressed the limit which separates virtue from vice; and instead of having

every animal to be stated, and the day of intended sale;—whereas, in this case, the day was indicated only by reference to the date of impounding, and to the provisions of the Act itself respecting sales. In the 21st and 22nd sections, the day of intended sale is stated with certain exceptions, after publication of the notice. But that day, in most cases, the poundkeeper cannot beforehand know; and therefore he cannot mention the day of sale, in that notice. Then, on the day of sale, the day of intended sale is stated in the advertisement, the nearest Justice may sign an order authorising its sale. With the exception of that provision, there is nothing in the Act warranting the sale. In the previous sections, and in the 21st and 22nd sections, the day of intended sale is stated, and whatever directs, and no other than the said 20th section *authorises* sale once.

### MEMORIAL.

Sancti Aden .....	1310	10	3
Stompage at Aden .....	2076	10	3
Aden to Diego Garcia .....	1304	10	3
Stompage at Diego Garcia .....	1311	10	3
Diego Garcia to King George's Sound .....	1311	10	3
Stompage there .....	1309	10	3
King George's Sound to Melbourne .....	10,545	42	13
Allowance for accidental delay .....	1	44	13
Period of transmission of message direct by electric telegraph between England and Australia, via Diego Garcia .....	41	44	13

**REMARKS.**

The assertion that the passage between Melbourne and London might be effected in 43 days has taken many persons by surprise. In fact, some individuals, accustomed to the present long duration of the voyage, are wholly unable to realize the possibilities of a rapid performance. If, however, it be remembered that the distance

Yet it must be admitted that transportation can never be accepted as a satisfactory method of settling the perplexing question of how to deal with a criminal population. It postpones it, and puts it off to a further distance, but leaves it in all its unmitigated difficulty to be dealt with at some future time. It rather evades the problem than solves it. It gets out of one difficulty only by creating another. One criminal colony is not devoid of embarrassments any more than a criminal population at home is. If transportation were intrinsically a good system of punishment, it would be equally appropriate to all nations; and if all nations adopted it, where are the un-

purchaser could know nothing,—precisely as the judgment at a Sheriff's sale does, notwithstanding any irregularity in the writ, or although the judgment on which it issued may afterwards be reversed. For which reason, if James Manning, defendant, (mentioned in Lord C. B.'s note to Manning's case, 8 Rep. 96 s.; Doe v. Thorn, 1 M. and S. 426, and Doe v. Murliss, 6 M. and S. 110, were cited. It was further submitted, as to the form of the notice, that the irregularity of the writ, and the fact that the writ was issued, for the defendant, that his ownership in the horse could not be divested, unless all the requisites of the Act had been complied with,—but that, at the least, it was necessary in every case of this kind, that the validity of the writ should be ascertained; and that, if the defendant had obtained; for, without that, no foundation for a sale existed whatever. There was no analogy, it was contended, between a case of this kind, and a case of a writ of execution of the Court of Chancery, or a writ of Habeas Corpus.

No. II.  
THE AVERAGE DU

[illegible]

unexplored wildernesses of Africa, the dreary steppes of Asia, and the broad pampas of South America would have to be put into requisition. But other countries have not found it necessary to go or else have not found it expedient, to carry out transportation to the same extent as Great Britain has. Russia has its Siberia, but that is more a place of political than criminal exile. France has Cayenne, but it is but a small settlement. Austria, Prussia, the small German States, Spain, Portugal, Italy, have no convict colonies, nor has the great Republic of America. By some means or other, these countries manage to do without such an outlet for their criminal population, and keep a sufficient restraint upon them at home. What is done by one nation

We have considered this case—the judgment is wholly correct. The facts are so plain and uncontroverted that there is no room for argument. We need not here to explain—and we do not offer opinion, that the verdict should have been for the defendant. The case of *Tarrant v. Thompson* is not altogether in point; because there the party who purchased from the Sheriff, although he was not a regular trader in the chase, goods of which that writ clearly did not authorise the sale. Now, perhaps, is the case of *Lock v. Sellwood* much more in point; because there the warrant was bad on its face, and therefore void. But in this case the Sheriff is a man who set him in motion. But we think the sale by the poundkeeper in this case a mere nullity, on principle. A sheriff selling the goods of any person, under a writ against such goods, is protected, because he is bound to do so. He is not to be liable for the consequences of every thing done by him, under it, during that period.

Average (33) da

SYDNEY RAILWAY.										
STATIONS.		DOWN TRAINS.—Mixed.								
Dist.	LEAVE—	5.30	5.45	6.00	6.15	6.30	6.45	7.00	7.15	7.30
0	Sydney	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
3	Newtown	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
4	Gladesville	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
8	Gladesville	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
8	Burwood	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00	9.15
11	Gladesville	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00	9.15
13	Parramatta	7.30	7.45	8.00	8.15	8.30	8.45	9.00	9.15	9.30
STATIONS.		UP TRAINS.—Mixed.								
Dist.	LEAVE—	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
13	Parramatta	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
11	Gladesville	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
8	Burwood	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
4	Gladesville	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
3	Newtown	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00
0	Sydney	7.00	7.15	7.30	7.45	8.00	8.15	8.30	8.45	9.00

med, for it must cease some time or other from the mere want of suitable localities. The establishment of island prisons, like that of Norfolk Island for instance, is condemned by experience as utterly abominable. Such establishments are merely prisons on a large scale, walled in by water instead of by brick or stone. They have all the evils of a prison, with none of the advantages of a colony. There are plenty of uninhabited islands in the world which might be employed for this purpose, if there were any benefit to be derived from so appropriating them. But there is none. The only tolerable plan of establishing convict settlements is by making them the germs of colonies—by precipitating a forced population on some un-

one being disposed to purchase, at the risk of the sale being afterwards avoided. We discover no analogy, however, between such sales, and the sales which, in certain cases, are made by a sheriff, or other officer, made by a poundkeeper. Without saying, that he must follow the form of notice given, to the very letter, we think it clear—on careful consideration of the several enactments,—that no poundkeeper has authority to sell, or to make any sale, or only on a Justice's order: and consequently that, where a poundkeeper has not obtained one, any sale which will be absolutely void.

It follows, that, as the plaintiff here failed to show that the defendant acted, he cannot retain his verdict. We should be glad, therefore, if some arrangement could be effected between the parties: on fair terms referentially to the past trial. But, if the plaintiff shall insist on proceeding, we will, if the court shall establish the existence of the authority, by producing a Justice's

North America  
and Great

**The Sydney Morning Herald.**

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MONDAY, JUNE 9, 1886.

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Mr. FORSTER, on several occasions since the opening of the House, has called upon the members to explain what they understand by the privileges of the colonial Parliament. We substantially concur in the views he appears to entertain, although they have not been so fully expressed as to exempt them from some misconception, if indeed we correctly interpret them. The doctrine Mr. Forster lays down is, we consider, there—

deny a course of things for years to come, and so developing the resources of an otherwise barren territory. There are many plausible arguments, and many weighty arguments to be urged in favour of such a course as this, where territory suitable for the experiment is to be found. Yet from the nature of the case the plan can never be permanently applicable. No convict settlement, if it prospers commercially and becomes a wealthy and populous country, will consent to retain for ever its penal character. A time is sure to arrive in his history when it will rebel against any longer continuance of that transportation to which it owed its origin. A free labour class will spring up, with whose interests compulsory labour is antagonistic.

The rule nisi for compulsory sequestration in this case was made absolute by the court, and the motion was granted. The court then ordered that the other

never, were all  
penalty at all,  
served to be just

and privileges as a legislature which are not derived from the law under which it is constituted, and that appeals to the practice or privileges of the House of Commons, excepting a

conviction is unfavourable. And a population will be gathered together sufficiently large to furnish employers with an ample supply of labour. At this era, transportation there will

This was an appeal by an insolvent against the decision of the Chief Commissioner, refusing his certificate. It had stood over for a considerable time in consequence of the insolvent's absence, and Mr. Blake, who

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<http://nla.gov.au/nla:BNF:1017654>

[ny au/nla news-page15](#)











Cleveland-street, Chippendale's, Sydney, the Sheriff will cause to be sold, unless this execution be previously satisfied, A quantity household furniture; also, all the defendant's right and interest of, in, and to the house and premises known as the Basket-makers' Arms, situate in Cleveland-street, Chippendale, Sydney, with the fixtures and bar-fittings therein erected.



**SILKS!!! SILKS!!! SILKS!!!** Great reduction  
in silks, **THIS DAY**, at La Ville de Paris, 196,  
r. e-street.

**FRENCH SILKS!!!** Thirty-five shillings the full  
dress—original price 70s.—at La Ville de Paris.

**FRENCH Broaded Silks!!!** best qualities, reduced to three guineas the full dress—actual cost in Paris 5 guineas—at La Ville de Paris, 193, George-street.

**FRENCH Square Shawls!!!** reduced to 15s. 6d.,—original price two guineas—at La Ville de Paris.

**FRENCH Cambric Handkerchiefs.**—One case, just opened at 10s. 6d. each.

**PORT WINES.**—The undersigned begs to call the attention of his friends and customers to his present stock of really choice bottled port wines, in pints and quart. **W. LAYTON**, wine and spirit merchant, Exchange river. Ditt and Bridge streets.

**YORK HAMS! YORK HAMS!** greatly reduced in price.—Just landed, 500 really prime York Hams. JOHN HUGHES, 317, George-street, opposite Market.

**THE UNDERSIGNED** has for **SALE**, at low rates,  
5 boxes Belmont sperm candles  
5 cases

0 ditto Farmed exhibition ditto  
 0 firkins Cork rose butter  
 0 cases Dutch cheese  
 0 ditto North Wilts ditto also  
 0 packages of new goods just received, consisting of pearl  
 barley, Scotch oatmeal, split peas, pearl sago, patent  
 groats, bath bricks, liquorice, carraway seed, canary  
 seed, Patras currants, Chesne raisins, Turkey figs.

JOHN HUGHES, 317, George-street, opposite the  
market.

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2, and 4-HORSE American Eagle Ploughs for SALE.  
S. HEBBLEWHITE, 100, York-street.

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O R S A L E  
Invoices of Dundee goods

Three-bushel bags  
10-lb. woolpacks  
Canvas, Nos. 1 to 6  
Tarpaulin.

**KIRCHNER and CO., 1, Wynyard-street.**

**CHEAP CEDAR.**—Railway Bridge Timber Yard, corner  
Botany and Parramatta streets. **A. WHEELER.**

**FURNITURE.** A large assortment for SALE, at HUNTS Furniture Show Rooms, Jamison-street; with British and Colonial,  
**BOOTS AND SHOES.**—Wholesale buyers and families are directed to COCKS and HUNTS, 278, George-st.  
**FLOUR** (Chilian, ex Mercedes) for SALE, in quantities of one ton and upwards, at the Circular Quay, or at

**M**AIZE THRASHERS.—This machine will thrash 150 bushels a day. S. HEBBLEWHITE, 100, York-street.

**FOR SALE**, the Goodwill and Stock-in-trade of a Tobaccoist established since 1830. This is a first-class opportunity, the owner being compelled to leave through illness. Apply to Mrs. HESLOP, Old South Road, opposite Palmer-street.

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**TO FARMERS and GARDENERS.**—100 Farms for Sale—from five to twenty acres each, eight miles

**P.S.—For Sale,** building allotment close to the City, or on lease for 90 years, ground rent £5 per annum. **JOHN GARSED**

**EATING HOUSE.**—An old-established House to be disposed of a bargain. Apply to Mr. DELOHERY, Athurst-street.

**TO CHEMISTS and SURGEONS.**—To be Sold, in the neighbourhood of Sydney, a compact business, doing snug comfortable trade, and capable of considerable extension, possessing certain advantages. Apply JOHN

**CATTLE FOR SALE.**—One Thousand Head, fit for Melbourne Market, deliverable in the ensuing spring to or to the north of New England, or on Liverpool Plains. Apply to Mr. T. M'DOUGALL, Royal Hotel.

**TO BE SOLD** by Private Contract, that superior Farm in the district of Illawarra, known as the **BELL-CROWNIE ESTATE**, containing 110 acres, nearly all cleared, and subdivided into paddocks. The land is laid out with artificial grasses, and on the property is erected neat cottages 60 feet square, containing four rooms, nearly

is within three miles of the seaport of Wollongong and is beautifully overlooking the Southern Ocean. On the round are four acres of an orchard, with a gardener's cottage of four rooms; also a never-failing creek, of the sweet water running through the estate. The proprietor seems it unnecessary to dilate upon the excellencies of this valuable property; inspection will speak for itself. With

his establishment may be had a selection of Dairy Cattle, unequalled in the district, with the implements of a farm and dairy utensils, which may be taken at a valuation. A moiety of the purchase money may remain at bank interest, secured on the property. The proprietor's sole object in entering with this establishment is his desire to return to Europe. For particulars apply to the proprietor, Mr. M. AUD. on the property; or, R. HAWORTH, Wellington.

**CATTLE FOR SALE.**—A mixed herd, 700 head, more or less, with a very large proportion of bullocks, now

**FOR SALE**, Shop Front, 9 feet by 6 feet, with shutters, bar, cornice, and everything complete, nearly new, cheap. **E. HEAD**, builder, South Head Road, three doors

**FOR SALE,** at Blake's Wharf, near the Albion Wharf,  
a large quantity of unslacked Lime, in good condition,  
1s. 3d. per bushel.

**FOR SALE,** a bargain, a neat four-roomed Verandah  
Cottage, with well of water, fronting the Botany-road,  
few yards from the Toll-bar. Apply to C. ADRAIN,

**FOR IMMEDIATE SALE, 38 Acres of Land, near Canterbury. F. GARLAND MYLREA, 177, George-street.**

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**MELBOURNE or COUNTRY Buyers advantageously supplied. F. GARLAND MYLREA, 177, George-street.**

**Australian Horse Bazaar, Pitt-street Sydney.**  
**MESSERS. WATSON and HENDERSON** hold  
Auction Sales regularly every Monday and  
Thursday, at 11 o'clock. Commission reduced to 4 per  
cent. The trade dealt with most liberally. No auction fee.  
On account of whom it may concern.

**M**R. RICHARD PERK has received instructions to sell by auction, at the Exchange Auction Mart, New Pitt-street, on WEDNESDAY next, the 11th instant, at 11 o'clock precisely,  
 SS&H—2 cases pint pickles, much damaged  
 1 ditto bottled fruits, ditto

T over S—1 ditto quart pickles, slightly damaged  
3 cases sardines, slightly damaged  
1 ditto fruit, ditto  
1 ditto quart pickles, much damaged  
6 ditto pint pickles, ditto  
1 ditto sardines, ditto  
J over B—14 cases pickles, more or less damaged  
7 ditto bottled fruits, ditto ditto

3 ditto quart pickles, slightly damaged  
1 ditto sauces, ditto  
4 ditto jams and jellies, ditto  
3 ditto sardines, ditto.  
Terms, cash.

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obtained of Mr. HENRY DAYRELL, Apothecaries

**SYDNEY MORNING HERALD.—NORTH SHORE.**  
—Mr. WILLIAM DAVEY, boot and shoemaker,  
near the Old Commodore, North Shore, will supply the  
above Journal at 1s per quarter. Single copies, 6d. Ad-  
vertisements received.

MR. P. M'GRATH, Longbottom, Agent for the  
 SYDNEY MORNING HERALD, whose receipt will be sufficient,  
 authorised to receive all subscriptions for the above dis-  
 tricts. Subscriptions, £1 per quarter.

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